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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,682	08/22/2003	Dennis S. Fernandez	FERN-P013	1019

7590 11/29/2006

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Menlo Park, CA 94026-6402

EXAMINER

MILLER, MARINA I

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061120

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Commissioner for Patents

The amendment filed on 9/1/2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted claims 21-35 are directed to an invention that is independent or distinct from the invention originally claimed and elected. Cancelled elected claim 1 and cancelled dependent claims recite a biosensor and a simulation system and method different from the system recited in new claims 21-35. For example, new claim 21 recites a sensor apparatus comprising a multi-functional array coupled to a peptide, protein, antibody, carbohydrate, and a cell sensor, while cancelled claim 1 recited a simulated system comprising a sensor for sensing a biological target and a simulator to generate a therapeutic or diagnostic output. New claim 33 also recites a positioning chip coupled to the array. None of the cancelled claims recited a multi-functional array coupled to a peptide, protein, antibody, carbohydrate, and a cell sensor and a positioning chip. Further, the cancelled claims do not recite a controller comprising a platform and a therapeutic unit (see new claims 30 and 32).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Miller whose telephone number is (571)272-6101. The examiner can normally be reached on 8-6, M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, Ph. D. can be reached on (571)272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marjorie A. Moran
Primary Examiner

Marjorie A. Moran
11/27/06